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PROGRAM Evening Edition

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SUBJECT An Interview With William Colby

MARTIN AGRONSKY: The Director of the Central Intelligence Agency says that American intelligence has been placed in danger by exaggerated charges of improper conduct. Critics of CIA, of covert operations at home and abroad are concerned that American intelligence agencies have placed American constitutional guarantees in danger through abuses of their mandate. And the question is whether this kind of conflict can ever be reconciled in a democratic society.

Tonight on Evening Edition a discussion of the CIA with its Director, William Colby, and with Nicholas ~~Harok~~ (?) of the New York Times.
Harrock

Mr. Colby, let's begin at the beginning in the sense of your feeling that the operations of the agency have been damaged. The Secretary of State said a few days ago, in fact, that if we're to be vigilant against Communist encroachment, we must stop dismantling or demoralizing our intelligence services. Do you share that feeling?

WILLIAM COLBY: Well, I think it's very important to the protection of the country and of the Constitution that we have a good intelligence service. I think that the world we live in demands it. And so, consequently, I think it behooves all of us Americans to be concerned about keeping this capability.

I think we in America has developed the best intelligence in the world, thanks to American inventiveness in the technological field and American dedication and resourcefulness in the operators and American intelligence analysts in the ways of putting it together.

These sensational allegations certainly have hurt us.

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They've spread our name around the world with various indications of opprobrium. They've cast doubt upon our ability to keep secrets as Americans. The sensational quality of them, I think, has misled people into thinking that these various individual events are characteristic of intelligence, when really they were very uncharacteristic of it.

I think the various investigations will show that certainly some things happened that we Americans wish didn't happen. But in a large institution over 28 years, I think you're going to find a few things that you wish hadn't happened. We're resolved not to have them happen again, and we're conducting ourselves so that they won't.

AGRONSKY: Nick?

NICHOLAS HARAK: Mr. Colby, you've said this several times in testimony, taken that position, and it is a clear one. But can you give us one example, can you tell us, let's say, the British Secret Service has called you privately and said, "We don't want to do business"? Can you give us one example of an American firm who's said, "Sorry. You're embarrassing to us"?

COLBY: Well, I can give you examples of -- there are a number of foreigners who've spoken to me personally, expressed great concern as to whether we're going to be able to keep the secrets they give us, or even the secrecy of the relationship between us and their intelligence service. I obviously am not going to give the name of those foreigners or the services. But we have had individual foreigners abroad who have quite frankly told us that they no longer dare to work for us, 'cause they're afraid that they're going to be exposed.

HARAK: Isn't it more important, though, that for the American people's purpose that they can sort out whether you're doing a legitimate job or whether you're not doing a legitimate job? Maybe we could afford to lose a few of these agents. Have you calculated that risk yet?

COLBY: Well, I don't think you can afford to lose agents, because if you develop a reputation for casting off agents of that nature, you really won't be able to get very many new ones. The relationship with an agent is a very personal and human relationship which depends upon mutual confidence and trust. And if they feel that you are just using them and not fulfill the obligation you take for them -- toward them, why, they won't work for you ever.

I think that the business of reassuring the American people as to that the CIA is going to operate within the Constitution and within the laws of our country -- yes, that has to be done, and I've been trying to do that, and I think we can succeed

in it.

AGRONSKY: Well, that's what I would really like to take a look at. Harry Truman brought the CIA into being in 1947, I think it was,...

COLBY: Right.

AGRONSKY: ...as succeeding to the Office of Strategic Services, the OSS. And in 1962, Mr. Truman, in conversations with Merrill Miller, made this observation about the CIA, which I kind of think -- curiously, this was in '62, which was what now? -- 13 years ago, and it reflects almost a prophetic quality in Mr. Truman, looking at the agency then. And he said this: "These fellows in the CIA don't just report on wars and the like. They go out and make their own, and there is nobody to keep track of what they're up to. They spend billions of dollars on stirring up trouble so they'll have something to report on. They become a government" -- and this is what is significant, Mr. Colby -- "they become a government all its own and all secret, and they don't have to account to anybody. That's a very dangerous thing," Mr. Truman concluded, "in a democratic society."

And really, that's what it's all about. Huh?

COLBY: Well, I have the greatest respect for President Truman. In fact, I pushed doorbells for him in 1948.

AGRONSKY: Did you?

COLBY: He's a great man. He knew what CIA was about. He knew that it had not only an intelligence mission, but also an operational mission, while he was President. Why he said those remarks in 1962, I just don't know. Quite frankly, the controls may have improved since his time, in the terms -- there were various steps taken during the '50s and during the '60s to increase the degree of control over CIA's operational activity.

And so I think Mr. Truman, with all due respect, may have been a bit out of date in that set of remarks. I think CIA does not operate as a government to itself. It is responsive to the Executive and it's been responsive to the Congress. To the degree the Congress has wanted to know about CIA, it's been informed.

AGRONSKY: But you know, Mr. Colby, the concern has been that it is perhaps too responsive, for example, to the Executive, both in terms of domestic and foreign operations. And that's where the rub is.

COLBY: Well, I....

AGRONSKY: Granted you must operated secretly. I mean

it's silly to talk about an intelligence agency that is not a secret intelligence agency. But what is raised there is the concern about accountability. And many of us feel still that that accountability is inadequate.

COLBY: Well, of course, as I believe one of the editorials said about CIA's role in the Watergate, it was the agency in town that said no. The fact...

AGRONSKY: [Unintelligible] no.

COLBY: Well, it said no. It made a few missteps, very minor, and then it said no...

HARAK: ...part of the record is destroyed is on Watergate. We don't know Mr. Helms' conversations with the President; we don't know if he said no, because he burned his tapes.

COLBY: Well, we do know what CIA did, though. It gave Mr. Hunt the wig and a few of those devices. And then when it went on further, the CIA employees themselves were the ones who said, "This looks like this is getting into some domestic activity, and it's not our business." And the relationship was turned off.

AGRONSKY: May I remind you of...

COLBY: We did also do...

AGRONSKY: ...the Huston Plan.

COLBY: Well, the Huston Plan: We participated in a government-wide discussion in which CIA's contribution was to contribute foreign intelligence to a government-wide concern about what was going on. The FBI, the NSA, and the DIA were all part of that plan.

AGRONSKY: And only J. Edgar Hoover, in the end, refused to participate, to the extent that they had to drop the plan. Otherwise, there would have come into being in this country a secret police.

COLBY: No, I don't think so. CIA's contribution was to provide foreign intelligence to a national problem, and we do that every day in the National Security Council and others.

HARAK: Well, we've -- in 1973, when you learned about it, there's area in here -- when you talk about responsiveness to the system and your worry -- or, your willingness to go for an oversight -- in May you get a report which has all of the factors in there that come out in the Rockefeller Commission Report, all of the violations; yet you did not take them to the Department of Justice, if my understanding is correct. Is that...

COLBY: That's right.

HARAK: And they did not go to the President. You decided, I take it, to try to correct them on your own, intentially. Do you think other government officials would have done that, or wouldn't they have gone and taken what may be an apparent crime and ask the Department of Justice to rule as to whether there should be a criminal prosecution?

COLBY: Well, there are two things to that. When we gathered together these set of events in our past, over the past 20-odd years, we looked at them and we decided we would not repeat them, and I issued various directives about not repeating them. And some of those directives have been declassified and are in the public domain. Some of them are still classified.

The question of informing someone: Yes, we did decide -- Mr. Schlesinger and I decided that we should inform the chairmen of our oversight committees, and they were acting chairmen at part of it, and so we informed those two chairmen.

HARAK: What did you expect them to do, though?

COLBY: We wanted them to know about this and we wanted them to have our assurance that it would not happen again.

HARAK: But you had violations...

COLBY: And I was facing a confirmation hearing very shortly, and I wanted that clearly in the past, in the past, and not worry about it in the future.

Now, I frankly did not conceive that there were matters in there for which people could be sent to jail. Now, there are some questions in there which are improper; there's no question about that. There are things that are outside of CIA's charter and there are some things that are really on the far edge of the law, unless you can figure out some justification.

But again, on that question, I did not see, and I still do not see, anything in those that would lead to the actual conviction before a jury of one of our people.

HARAK: You had mail-opening in there. Now, that would raise the strong suspicion that you've illegally opened thousands of pieces of mail, and the men who did it may very well be liable criminally. And it seems that you might want something from the Attorney General saying, "Yes, you're right," or, "No, you're wrong."

COLBY: Well, the fact was...

AGRONSKY: The Attorney General is examining that now and has yet to make a determination on it, as you know,...

COLBY: That's right.

AGRONSKY: ...because there is no -- there is no certainty at all that he will not find there were illegal acts committed and will not call for prosecution. And I'd like to ask -- to follow Nick up on that: There was an agreement up front that applied for many, many years -- I don't know how many, and nobody's ever determined -- that the Department of Justice would not prosecute any CIA agent for illegal acts committed domestically in pursuit of intelligence objectives, whatever it may have been.

COLBY: No, no, no.

AGRONSKY: Now, has that ended?

COLBY: That's not what it was. What it was was an understanding in 1954 that when CIA had a problem which involved a violation of law, but in order to prosecute he would have to reveal some intelligence sources and methods and the details of operations, that under that understanding in 1954, the arrangement was that CIA could make the determination that it would not be in the national interest to reveal those facts, and therefore no prosecution.

Now, that particular...

AGRONSKY: Will you be annoyed with me if I say that that determination by the CIA would be incredible if the CIA would make a determination against itself?

COLBY: Oh, that's not so, because we did, and over the 20-odd years, we, I believe, sent something like 20 cases on to the Department of Justice and withheld about 9.

AGRONSKY: And what happened?

COLBY: Some of those were either prosecuted or some other arrangements were made about them.

Now, the other thing, however, is that we have in a number of cases gone to the Department of Justice with cases and urged them not to prosecute, because of the revelation of sources and methods. Now, that's the case that occurred in Chicago, for example, where a man was arrested there, and in order to prosecute it, he said he would use the defense of CIA. And we said this is not so. We described the facts to the Department. But we asked them not to prosecute because we didn't want to reveal all the activities in a foreign country that this man was involved in.

AGRONSKY: And do you still want to retain that authority?

COLBY: That is not -- no, I don't have that authority. This came up in last December, and I was talking to the acting Attorney General, and I referred to this 1954 arrangement and I said that I just wanted to test out his feeling about it. And the acting Attorney General said no, he couldn't recognize that. And I agreed with him. I didn't think it was quite right either. And there...

AGRONSKY: So that's ended.

COLBY: And that's ended, and we are under the same rules as any other department, with respect to our authority. In other words, we have the obligation to bring to the Department of Justice attention any violation of the law. However, we still will urge that in the interests of the United States and our intelligence efforts thta some of these cases not be prosecuted. But the decision on that is a matter for the Attorney General and the Department of Justice, not for my decision.

HARAK: Let me refer for a second to Frank Olson's case. As you recall, he's the Army officer who died as a result of an LSD poisoning -- a civilian, actually. Was any determination made on that case? If that had happened in the Department of Interior, let's say, I think that they would have gone to the Attorney General just to be sure their ground was good and it was an accident, and have it looked over. But the agency, presumably, did nothing outside of its own internal inspection.

COLBY: Well, the agency was discussing that case and the events of it with the Department of the Army at that time, because he was a Department of the Army civilian. We were working with the Department of the Army on the projects that this was involved with.

There's no excuse for that case. It's a terrible tragedy, and I've apologized for it and the President's apologized for it, which is more important.

HARAK: [Unintelligible]. But we're in a system of laws, and at the time, there was a serious question of how he died...

COLBY: ...could not exist again. If I had a suspicion that there was a violation of law involved, I am obliged to go to the Department of Justice.

HARAK: Well, It isn't it true, then, that agreement may have covered more? Because that's not one of the nine cases, as I understand it, that came.

COLBY: No, no.

HARAK: So that agreement, in a sense, really buffered you away from a commitment to go to the AG over the years.

COLBY: Well, that's exactly what it said, yes.

HARAK: In a lot of other ways.

COLBY: Well, there was a clear understanding that we didn't have to go, yes.

HARAK: So there may be more than nine cases that had criminal nature or questions of criminal...

COLBY: Not that I know of.

HARAK: Not that you know of directly.

COLBY: No.

AGRONSKY: Mr. Colby, I wonder if we could turn it around this way: Clark Clifford said recently, "I know of no important domestic function the CIA need have." Does that go too far?

COLBY: Yes, I think that goes too far. It depends on what you mean by "domestic function." I agree with him in the sense of a function aimed at the United States, but there are a number of things we do in the United States that are very useful. A lot of American citizens who share information about foreign situations with their government through us on condition that we keep their involvement secret. And we don't pay for this. We just ask them, and if they agree to give us the information, we say we'll protect it. But we do get some valuable information...

AGRONSKY: I can be more specific...

COLBY: And there are foreigners in America that have information. There are thousands of foreigners that live in this country with information on foreign situations. It's be silly to go abroad and engage in some very dangerous activity in order to get what you can get right here at home.

AGRONSKY: I didn't really have that in mind. I don't think that Clifford did either. The point was that the CIA, by law, is not supposed to get involved in internal security functions.

COLBY: Oh, absolutely.

AGRONSKY: You would accept that

COLBY: I accept it, both barrels.

AGRONSKY: Now, you do know how the Rockefeller Report revealed the extent and, I think improper, involvement of the CIA in internal security functions.

COLBY: I know what the Rockefeller Commission found in its conclusions, that the vast majority of CIA's activities were proper, but that there were some cases that it should not have done.

AGRONSKY: Let me read to you from the Rockefeller Report. It termed a whole series of activities, as it put it, I quote, unlawful, improper, and summed it up in these words: "Operation Chaos," which was the one that they addressed themselves to, "included somewhere in the area of 13,000 files on subjects and individuals, including approximately 7200 personality, or 201, files, over 11,000 memoranda, reports, and letters from the FBI, over 3000 disseminations of the FBI, almost 3500 memoranda for internal use by Operation Chaos. In addition, the Chaos group had generated or caused the generation of over 12,000 cables of various types, as well as a handful of memoranda, to high-level government officials." And on top of this mountain of material was a computer system that contained an index of over 300,000 names and organizations which, with few exceptions, were of United States citizens and organizations apparently unconnected in any way with espionage.

Now, that seems a massive operation in the area of internal security that the commission itself categories as unlawful and improper.

COLBY: I think if you'll read the conclusions on page 149, which I believe is the next page, you will see that the commission concluded about this activity that the great majority of the material collected was within CIA's proper authority.

AGRONSKY: And you still feel that?

COLBY: That's what the commission found. It also found that in some areas we collected more material than we properly should have and that this was improper. It also said that there were three agents who were active in the United States improperly.

Now, I really find it hard to find that CIA was engaged in a massive operation with three agents. It just doesn't stand up, to me.

AGRONSKY: Well, I -- the commission may have found three agents; it certainly took more than three agents to amass this monumental...

COLBY: Well, I'm saying look at the conclusions rather than the specific statements in some piece of the report...

AGRONSKY: A lot of people feel the conclusions are not entirely right.

COLBY: Well, that...

HARAK: Aren't there also areas -- for instance...

COLBY: ...feckless discussion, you know, about massive or non-massive, but I guess we have to do it.

HARAK: Well, it may be an adjective that will be proven someday. But there is something about the way they handled the report, which may be corrected on the Hill, which -- you mentioned the three agents and that is all they established. But you were uncomfortable when you noticed -- learned the insidious way -- for instance, 18 separate police departments, as I understand it, had a direct relationship with the CIA, where you did training and equipping them.

Is your understanding, as a veteran intelligence officer, is that the function of the CIA? Wouldn't it been better if the FBI had the inroads in those departments?

COLBY: Certainly, certainly. And that's the current position and that's the way we're running that sort of activity now. We give any -- any particular experience we develop through our operations abroad can be made available to our government, the other appropriate elements of our government. But under the Holtzman Amendment in 1973, it said that we would not provide aid through the Law Enforcement Assistance Administration. We have extended that so that we no longer provide any support to any police system in the United States.

I think you have to look at what kind of support was provided. We provided lessons in how you open a letter bomb, how you identify terrorists who come from abroad, things of this nature. We provided a lot of things that -- sure, we can do it through the FBI, but I don't think we were engaged...

HARAK: Incidentally, I've always wondered why you did it at all...

COLBY: I don't think we were engaged in any great conspiracy to...

HARAK: Well, it's 18 of the largest police departments in the country. You spread them from coast to coast.

COLBY: Well, the reason we gave it...

AGRONSKY: That seems outside the jurisdiction of your charter and your goal.

COLBY: It's not necessarily outside the jurisdiction. We are not untouchables just because we're in CIA. If we have

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something that's useful to our country, I think, in general, we ought to be able to provide it to the proper authorities of our country.

HARAK: Weren't you also able to get a police record on an average American without going through the FBI? In other words, if you wanted to check on me...

COLBY: Well, we do investigate people for -- with a good reason where we should do it. We investigate our applicants. We investigate our contractors. We investigate people of this nature. And in the course of it, yes, we go around and ask for some knowledge that might be in some local authority.

AGRONSKY: Mr. Colby, you're a professional in this business and you know what the agency is trying to do. Do you think, from your own experience now in running this operation and knowing what your goals are, that all the criticism, the investigation, the concern about trespass on your authority -- not just you; I mean the agency -- that the agency has perhaps been so flawed by the criticism, by the investigation, that perhaps it should be replaced by something else, it should be run by a different group? Do you think that the damage has been that extensive?

COLBY: Well, I think that the American people and government need a good intelligence service. I think they have one. They have one that's made mistakes. I really don't think changing names or engaging in cosmetics would convince one, and our friends in the press would very rapidly penetrate that.

I really have -- I have no objection to the fact of our accountability. I think government officials should be accountable to our constitutional authorities. I believe government officials should be accountable to our people. So, I can't object to the accountability. I think it's gotten a little out of hand from time to time in the sensational quality -- the business of infiltrating the White House and so forth.

AGRONSKY: Well, I wish we could dig into it a bit further. Thank you very much. Thank you, Nick. Good night for Evening Edition.